

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

<p>Oliver D. Smith, v. Steve Sailer,</p> <p style="text-align: center;">PLAINTIFF(S)</p> <p style="text-align: center;">DEFENDANT(S)</p>	<p>CASE NUMBER *AMENDED ORDER* 2:24-CV-05130</p> <p style="text-align: center;">ORDER ON REQUEST TO PROCEED IN FORMA PAUPERIS (NON-PRISONER CASE)</p>
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The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- is not able to pay the filing fees. is able to pay the filing fees.
- has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

IT IS THEREFORE ORDERED that:

- The Request is GRANTED.
- Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- The Request is DENIED because the filer has the ability to pay.
- As explained in the attached statement, the Request is DENIED because:
- The District Court lacks subject matter jurisdiction removal jurisdiction.
 - The action is frivolous or malicious.
 - The action fails to state a claim upon which relief may be granted.
 - The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:

- Within 30 days of the date of this Order, the filer must do the following:

PLAINTIFF MUST PAY THE FILING FEE OF \$405.

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED WITHOUT PREJUDICE WITH PREJUDICE.
- This case is REMANDED to state court as explained in the attached statement.

August 29, 2024

HON. JOSEPHINE L. STATON

Date

United States District Judge

Plaintiff receives £758 (British pounds sterling) per month in disability benefits, which is approximately \$1,000 (United States dollars). (See ECF 13 (IFP Application).)

He lives with his parents, who own their home, and he identifies no more than \$500 per month in recurring expenses. (Id. at 2.) He has no dependents. (Id.) He maintains at least two bank accounts, each of which has “around \$500” on deposit. (Id.) Because Plaintiff has significant disposable income and a bank balance that is at least an amount approximately equal to two-and-a-half times the amount of the filing fee (which is just over \$400), the Court finds that Plaintiff has the ability to pay, and his request to proceed in forma pauperis is denied.

(attach additional pages if necessary)